

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

INDACON, INC.

PLAINTIFF,

v.

FACEBOOK, INC.

DEFENDANT.

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Civil Action No. 5:10-cv-966

JURY DEMAND

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Indacon, Inc. (“Indacon”) files this Original Complaint for damages against Facebook, Inc. (“Defendant”). In support of its Original Complaint, Indacon shows as follows:

THE PARTIES

1. Indacon is a corporation duly organized and existing under the laws of Texas, having its principal place of business located in San Antonio, Texas.

2. Defendant, Facebook, Inc., is a Delaware corporation with a principal place of business located at 1601 S. California Avenue, Palo Alto, California 94304. Defendant’s agent for service of process is: Corporation Service Company, doing business as CSC – Lawyers Incorporating Service, 211 E. 7th Street, Suite 620, Austin, Texas 78701-3218.

JURISDICTION

3. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§1331 and 1338(a) because this action arises under the patent laws of the United States, including 35 U.S.C. § 271 *et seq.* This Court has personal jurisdiction over the Defendant in that it has committed acts within Texas and this judicial district giving rise to this action and the Defendant has

established minimum contacts with the forum such that the exercise of jurisdiction over the Defendant would not offend traditional notions of fair play and substantial justice.

VENUE

4. Defendant has committed acts within this judicial district giving rise to this action and does business in this district, including advertising or otherwise soliciting customers and/or users in this district and/or providing services to its customers and/or users in this district. Venue is proper in this district pursuant to 28 U.S.C. §§1391(b), 1391(c), and 1400(b).

COUNT I -- INFRINGEMENT OF U.S. PATENT NO. 6,834,276

5. On December 21, 2004, United States Patent No. 6,834,276 (the “’276 Patent”) was duly and legally issued for an invention entitled “Database System and Method for Data Acquisition and Perusal.” A true and correct copy of the ’276 Patent is attached hereto as Exhibit A. Indacon is the Assignee of the ’276 Patent and has the right to sue on and seek enforcement of the ’276 Patent. Indacon has owned the ’276 Patent at all times relevant to this complaint and still owns the ’276 Patent.

6. Upon information and belief, Defendant has infringed and continues to infringe the ’276 Patent, either directly or by contributory infringement or by inducing infringement. The infringing acts include, but are not limited to, making, using, selling, or offering for sale the Facebook system incorporating linking, perusal, and search features, and/or services offered in relation to the Facebook system. With regard to Defendant’s indirect infringement, the direct infringers include, but are not limited to, Defendant’s employees, users, and customers. Defendant is liable for infringement of the ’276 Patent pursuant to 35 U.S.C. § 271.

7. Upon information and belief, Defendant's acts of infringement have caused damage to Indacon, and Indacon is entitled to recover from Defendant the damages sustained by Indacon as a result of Defendant's wrongful acts in an amount subject to proof at trial.

COUNT II -- INFRINGEMENT OF U.S. PATENT NO. 7,836,043

8. On November 16, 2010, United States Patent No. 7,836,043 (the "'043 Patent") was duly and legally issued for an invention entitled "Database System and Method for Data Acquisition and Perusal." A true and correct copy of the '043 Patent is attached hereto as Exhibit B. Indacon is the Assignee of the '043 Patent and has the right to sue on and seek enforcement of the '276 Patent. Indacon has owned the '043 Patent at all times relevant to this complaint and still owns the '276 Patent.

9. Upon information and belief, Defendant has infringed and continues to infringe the '043 Patent, either directly or by contributory infringement or by inducing infringement. The infringing acts include, but are not limited to, making, using, selling, or offering for sale the Facebook system incorporating linking, perusal, and search features, and/or services offered in relation to the Facebook system. With regard to Defendant's indirect infringement, the direct infringers include, but are not limited to, Defendant's employees, users, and customers. Defendant is liable for infringement of the '043 Patent pursuant to 35 U.S.C. § 271.

10. Upon information and belief, Defendant's acts of infringement have caused damage to Indacon, and Indacon is entitled to recover from Defendant the damages sustained by Indacon as a result of Defendant's wrongful acts in an amount subject to proof at trial.

PRAYER FOR RELIEF

WHEREFORE, Indacon prays for judgment and seeks relief against Defendant as follows:

- (a) For Judgment that the '276 Patent has been and continues to be infringed by Defendant;
- (b) For Judgment that the '043 Patent has been and continues to be infringed by Defendant;
- (c) For an accounting of all damages sustained by Indacon as the result of the acts of infringement by Defendant, but not less than a reasonable royalty under 35 U.S.C. § 284;
- (d) For actual damages together with prejudgment interest;
- (e) For enhanced damages pursuant to 35 U.S.C. § 284;
- (f) For an award of attorneys' fees pursuant to 35 U.S.C. § 285 or as otherwise permitted by law;
- (g) For all costs of suit; and
- (h) For such other and further relief as the Court may deem just and proper.

JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff Indacon, Inc. demands a jury trial.

Date: December 1, 2010

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